IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No.2598 of 2007

Sanjeev Kumar Raman Harijan ..Applicant.

Vs.

The State of Maharashtra and Anr ..Respondents.

Ms Anjali Patil, Advocate for the applicant.

Mr K. V. Saste, APP for the State.

CORAM: V. C. DAGA,J.

DATED: 16 8. 2007.

P.C.:-

1. Heard learned counsel for the applicant and learned APP for the State.

2. Perused application and the material available on record.

3. The applicant, arrested in connection with C.R. No.71 of 2007 registered with Wadala Police Station for the offence punishable under Sections 302, 201, read with Section 34 of the I.P.C., is seeking bail under Section 439 of the Cr.P.C.

4. According to the prosecution, on 13.4.2007 at about 7:30 a.m. Wadala Railway Station Master received information that one

person in injured condition was lying in Panvel local train in General Compartment. Therefore, he issued memo to P.No. 2843 Mr Rahate from Wadala Railway Station and the complainant reached platform No.4. He rescued the injured with the help of Helper. The complainant noticed that blood was oozing from the nose of injured person and black blue mark were present on his throat and one piece of cloth was inserted in his mouth. The injured person was taken down from the compartment of the train and was referred to the Hospital. The doctor on examination declared him dead. The F.I.R. was lodged; wherein, the present applicant was shown as one of the associate to the deceased.

5. During the course of investigation, statement of one Mohanlal was recorded; wherein, he has deposed that the deceased told him that the present applicant has assaulted him and, therefore, he is not the eye witness to the incident of assault to the deceased. The post-mortem report shows that except the injury on the neck region may be due to strangulation, there was no other injury.

6. Considering the material available on record, I find no prima facie connection of the applicant with the alleged offence which could continue detention of the applicant in jail any further, I am inclined to grant bail to the applicant on following terms and conditions:-

a] The applicant arrested in connection with C.R.No.71 of 2007 registered with Wadala Police Station under Sections 302, 201 read with Section 34 of the IPC shall be enlarged on bail in the sum of Rs. 25,000/-with one or two sureties in the like amount.

b] He shall report to Police Station Wadala once in a week i.e. Saturday in between 3.00 to 5.00 p.m. till conclusion of the trial.

c] The applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not, in any manner, tamper with the prosecution evidence.

d] The applicant shall co-operate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

e] Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

7. Application is disposed of in above terms.

(V.C. DAGA,J.)